

FINDINGS - EXHIBIT A

(Laetitia Agricultural Cluster – SUB2003-00001 / DRC2003-00001)

Tentative Map

The Planning Commission cannot tentatively or conditionally approve the tentative tract map because the following criteria, required by Section 21.03.010 of the County Code (2003), are not satisfied:

- A. The proposed map is not consistent with the San Luis Obispo County General Plan because it is inconsistent with the following policies:

SOUTH COUNTY AREA PLAN (1994)

The South County Area Plan includes the following policies, which state:

South County Inland Area Plan Primary Goal 4: Promote the rural character and heritage of South County with a strong sense of identity and place. Implementation of the Original Project and the Applicant Proposed Alternative 2 would introduce residential elements within an existing rural area not designed according to adopted agriculture clustering policy, which in part serves to maintain the rural character and heritage between the City of Arroyo Grande and unincorporated community of Nipomo.

South County Inland Area Plan Primary Goal 6: Promote the long-term sustainability of natural resources as growth occurs with sensitivity to the natural and built environment.

The Original Project and the Applicant Proposed Alternative 2 propose to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves, including productive agricultural areas, oak woodland, coastal scrub, and grassland habitats. While the resources within these open space and agricultural areas would benefit from this preservation, the project would also result in the loss of or impacts to 169 and 63 coast live oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), the permanent conversion of 103 and 113 acres, respectively, of productive vineyard, and permanent loss of 159 acres of Important and Unique Farmland. In addition, secondary impacts to natural resources such as removal of natural habitat and flora would occur as a result of necessary road improvements for the linear and spreading project design.

South County Inland Area Plan Expansion Goal 7: Strengthen the continuation of agriculture as part of the economic base of the South County area.

The Original Project and the Applicant Proposed Alternative 2 propose to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves; however, proposed development would require the removal of 103 and 113 acres, respectively, of vineyards and the permanent conversion of underlying soils to non-agricultural uses. While approximately 140 and 118 acres, respectively, of replacement vineyards are proposed, the long-term success of these replacement areas is unknown. In addition, the lack of adequate buffers between the proposed residential use and existing and future vineyards would likely result in conflicts that would impair agricultural productivity.

South County Inland Area Plan Community Planning Goal 1: Retain the open, low-density character around and between population centers.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would modify the existing open, low-density visual character by introducing residential clusters within an existing agricultural area, visible from Highway 101, between the City of Arroyo Grande and community of Nipomo.

South County Inland Area Plan Quality of Life Goal 2: Maintain the rural open countryside of the Nipomo Mesa, the Nipomo valley and the foothills, as a contrast to the development density and activity within the urban and village areas.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would modify the existing rural character by introducing residential clusters within an existing agricultural area, visible from Highway 101, between the City of Arroyo Grande and community of Nipomo.

South County Inland Area Plan Public Services and Facilities Goal 3: Evaluate the financial capability of service providers to accommodate additional growth by reviewing capital improvement plans before urban expansion or major projects are approved.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would adversely affect roadways and intersections within the study area. Either proposal would adversely affect the Highway 101 corridor and associated ramps at the Los Berros Road/North Thompson Road/Highway 101 interchange. The applicant would potentially contribute to the South County Fee Program; however, until improvements are implemented significant and adverse impacts would occur.

FRAMEWORK FOR PLANNING (1994)

The South County Area Plan includes the following policies, which state:

Environmental Goal 1: Maintain and protect a living environment that is safe, healthful, and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.

Construction of the Original Project or the Applicant Proposed Alternative 2 would affect oak woodland onsite, including removal of 169 and 63 oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), to accommodate development, resulting in a significant and adverse impact, Class I.

Environmental Goal 2: Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in significant and adverse, Class I, transportation and circulation impacts due to the inadequate capacity of affected roadways and highway facilities.

Population Growth Goal 6: Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The project will significantly impact the ability of Cal Fire to provide future services to the South

County due to the need for an additional fire station. The FEIR includes mitigation for a new fire station or payment of an equivalent in-lieu fee, but the impacts of the project would occur prior to construction of the facility.

Phasing of Urban Development Goal 11: Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities and their programmed expansion where funding has been identified.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The project will significantly impact the ability of Cal Fire to provide future services to the South County due to the need for an additional fire station. The FEIR includes mitigation for a new fire station or payment of an equivalent in-lieu fee, but the impacts of the project would occur prior to construction of the facility.

Air Quality Goal 3: Preserve and protect air quality of the County by seeking to attain and maintain state and federal ambient air quality standards.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan, which identifies planning goals and policies to reduce emissions generated by development and traffic trips. Implementation of either proposal would create significant urban development outside of urban areas, requiring the generation of traffic trips to access services, as residents would be reliant on the automobile for the vast majority of all trips made.

Air Quality Goal 4: Determine and mitigate where feasible, the potential adverse air quality impacts of new development.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to meet air quality requirements. The Original Project and the Applicant Proposed Alternative 2 would exceed population growth assumptions and result in a substantial increase in vehicle miles traveled. Based on the existing zoning and the General Plan, the CAP assumed 24 units at build-out. The Original Project and the Applicant Proposed Alternative 2 would result in a population increase of 101 units. This population increase would generate approximately 1,049 trips per day. Residential development outside of urban areas tends to generate more and longer trips compared with similar development within urban areas. Both proposals are relatively low density suburban development in a rural area not located near a commercial center. As a result, both projects would not include sufficient transportation control measures or land use management strategies to be consistent with the CAP.

Air Quality Goal 5: Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan, and associated transportation control measures by developing an urban use within a rural area, generally requiring the use of vehicles to access urban services. No commercial services are included in the development, nor would they be located within walking or convenient bicycling distance from the project. There are no existing bike lanes or transit stops adjacent to the proposed development that could be

incorporated into the project design. Residents would be reliant on the automobile for the vast majority of all trips made.

Distribution of Land Uses Goal 8: Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.

The Original Project and the Applicant Proposed Alternative 2 include the development of 101 residential lots within a currently operating and productive agricultural and rural area. Implementation of either project would result in significant impacts to aesthetic resources by introducing urban development within an agricultural area, which also serves as a green belt between the City of Arroyo Grande and the unincorporated community of Nipomo.

Distribution of Land Uses Goal 10: Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

The applicant proposes to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves; however, proposed development would require the removal of 103 and 113 acres, respectively, of vineyards and the permanent conversion of underlying soils to non-agricultural uses. While approximately 140 and 118 acres, respectively, of replacement vineyards are proposed, the long-term success of these replacement areas is unknown. In addition, the lack of adequate buffers between the proposed residential use and existing vineyards would likely result in conflicts that would impair agricultural productivity.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would generate approximately 254 residents. In addition to the residents, transient population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. The location of these residents and public in proximity to the agriculture areas may result in trespassing, vandalism, complaints about agricultural practices, and safety and liability issues.

With proposed residential parcels, access roads, wastewater treatment plan, ranch headquarters, and agricultural buffers, the amount of developed land will exceed 250 acres. Due to the scattered-lot residential design, transient population impacts may be magnified with greater access to productive agriculture areas.

Residential Land Uses Goal 13: Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses. Implementation of the Original Project or the Applicant Proposed Alternative 2 would locate residences above those allowed by the Agricultural and Rural Residential Clustering policies outside of urban and village reserve lines, and over two miles from major employment areas. Residents may be affected by adjacent agricultural operations (e.g., noise, dust, odors) rather than protecting them from potentially incompatible uses.

Public Services and Facilities Goal 15: Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services, and facilities.

Public Services and Facilities Goal 16: Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.

Public Services and Facilities Goal 17: Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees, or exactions.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The timeframe for construction of recreational and fire safety improvements and facilities is unknown; the short-term demand for these resources may exceed the planned capacity of these resources and services. In-lieu and public facility fees would be required, per adopted County fee programs, consistent with these policies, but the impacts of the project would occur prior to construction of the facility.

NOISE ELEMENT (1992)

The County Noise Element includes the following policies, which state:

Noise Element Policy 3.3.3: Noise created by new transportation noise sources, including roadway improvement projects shall be mitigated so as to not exceed the levels specified in Table 3-1 within the outdoor activity areas and interior spaces of existing noise sensitive land uses.

Development of either proposal would create significant amounts of new vehicle traffic traveling on North Thompson Road, which would exacerbate the current exceedance of the 60 dBA outdoor noise threshold as defined by the Noise Element. Although the one decibel increase average over 24 hours would not be perceptible, 1,059 noise impulses associated with daily trips from the project will exacerbate the current exceedance of the 60 dBA noise threshold.

Noise Element Policy 3.3.4: New Development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2 unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.

Development of the Original Project or the Applicant Proposed Alternative 2 would expose residential parcels of sub-cluster C (Lots 46 through 65) to stationary noise levels associated with activities resulting from operations at the processing facility during harvest season estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact. A 25-foot tall noise wall is identified to reduce the effects of stationary noise generated by the winery. In addition, proposed residential parcels throughout the project site would be exposed to equipment noise levels associated with vineyard operations estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact.

ENERGY ELEMENT (1995)

The County Energy Element includes the following policies, which state:

Energy Element Policy 1. Encourage energy efficient land development by promoting compact, residential areas and commercial service cores and non-vehicular linkages between them. Concentrate new growth within existing communities, emphasizing services, so that individual communities become more complete, diverse, and balanced. Allow multi-family housing in and near downtowns, neighborhood commercial centers, and mixed use developments. Isolated and remote residential development projects shall be discouraged.

The Original Project and the Applicant Proposed Alternative 2 are not within or adjacent to an existing community. The proposed residential development begins approximately 2 miles south of the City of Arroyo Grande and continues south for over a mile. Due to the sprawling, remote, and isolated nature of the proposed development, the Original Project and the Applicant Proposed Alternative 2 are not consistent with this policy.

Energy Element Policy 2. Encourage the concentration of new residential development in higher density residential areas located near major transportation corridors and transit routes. Public facilities, commercial areas, and schools should be grouped into pedestrian and bicycle-accessible core areas that provide a focal point to the community and promote public transit.

The Original Project and the Applicant Proposed Alternative 2 would result in low density residential development that would not be concentrated contiguous to the City of Arroyo Grande or community of Nipomo, and would not be located near major transit facilities.

AGRICULTURE AND OPEN SPACE ELEMENT (1998)

The County Agriculture Element includes the following policies, which state:

Agriculture and Open Space Element Policy 11: Agricultural Water Supplies. A. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.

The Original Project and the Applicant Proposed Alternative 2 are not consistent with this policy as both proposals compete with agricultural operations for limited groundwater supplies. Water conservation measures proposed by the applicant, and recommended as mitigation measures in the EIR would reduce the anticipated demand for domestic water supply. During prolonged drought conditions, however, the applicant proposes to implement additional measures including limiting irrigation of agricultural crops and common area landscaping.

Agriculture and Open Space Element Policy 17: Agricultural Buffers. A. Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisors.

The County Agricultural Commissioner recommends a 500-foot buffer between proposed residential development and productive vineyards. Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in residential parcels located less than 200 feet from existing and proposed productive vineyard areas. In addition, the residential sub-clusters and associated residential roads would be located throughout the vineyards, resulting in inadequate separation between the two uses. Implementation of inadequate buffers would result in land use conflicts that would ultimately adversely affect the long-term management and productivity of the vineyard.

Agriculture and Open Space Element Policy 18: Location of Improvements. B. Locate new buildings, access roads, and structures so as to protect agricultural land.

The Original Project and the Applicant Proposed Alternative 2 propose to remove approximately 103 and 113 acres, respectively, of productive vineyards to accommodate residential development and establish proposed buffer zones.

Agriculture and Open Space Element Policy 20: Agricultural Land Divisions.

- a. **Where a division of agricultural lands is proposed, a contiguous cluster division consistent with AGP22 is an alternative to a conventional “lot split” land division.**
- b. **Where a land division is proposed, the proposed parcels should be designed to ensure the long term protection of agricultural resources.**

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with this policy because long term protection of agricultural resources for continued and enhanced production is not ensured within the residential cluster due to the non-contiguous/compact location of the proposed residences that results in maximum interface with vineyard areas. The residential sub-clusters and associated residential roads would be located throughout the vineyards, resulting in inadequate separation between the two uses. Implementation of inadequate buffers would result in land use conflicts that would ultimately adversely affect the long-term management and productivity of the vineyard.

Agriculture and Open Space Element Policy 21: Minimum Parcel Size Criteria for the Division of Agricultural Lands

- a. **Minimum parcel sizes for the proposed division of land designated Agriculture shall be based upon the existing and potential use of the land for cropland and grazing. Minimum parcel size standards for the creation of new parcels are shown in Figure 2.2.**

Agriculture and Open Space Element Policy 22: Major Agricultural Cluster Projects.

- b. **The maximum number of parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings normally allowed on the parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria. (Major agricultural cluster projects may include reduction in the number of parcels down to 26 percent of the maximum potential allowance if proposed by the applicant in order to mitigate potential impacts of the project.)**

The applicant is requesting approval of a major agricultural cluster. The project site is located approximately two miles south of the City of Arroyo Grande, and two miles north of the unincorporated community of Nipomo. 102 residential lots, each one acre in size, and four open space easements are proposed. One dwelling is proposed on each residential lot. The open space lots would be placed under open space easements/agricultural preserves, and would support vineyards, orchards, the existing winery and associated facilities, wastewater treatment facilities, ranch headquarters/homeowners association facility, and undeveloped open space in the Original Project. The Applicant Proposed Alternative 2 would have these facilities on their own parcels. The project site is located within two land use categories: Agriculture

and Rural Lands. Based on the applicant's calculations, allowable residential density based on existing agricultural uses would be 49 dwellings within the Agriculture land use category, assuming a 20-acre minimum parcel size. The applicant proposes 40 one-acre residential parcels within the Agriculture land use category. AGP22 does not provide guidance regarding cluster divisions on land use categories other than Agriculture.

In addition, the applicant's calculations incorrectly take into consideration proposed new agricultural areas (which may or may not be successfully productive), and do not take into consideration productive areas lost due to proposed buffer zones.

Agriculture and Open Space Element Policy 24: Conversion of Agricultural Land.

- a. **Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:**
 - 1. **Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.**
 - 2. **Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.**
 - 3. **Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.**
 - 4. **Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.**

The Original Project and the Applicant Proposed Alternative 2 are both located outside of any urban or village reserve lines, which were established to protect agricultural land and stabilize agriculture at the urban fringe. Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in the removal of approximately 103 acres of productive vineyard. In addition, the project would result in the conversion of approximately 12.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, and 61.9 acres of Grazing Land. The applicant proposes to plant approximately 140 and 118 acres, respectively, of replacement vineyards on the project site; however, this would only partially offset the significant and adverse effects. The long-term maintenance and sustainability of these proposed replacement areas is not certain, while the conversion of agricultural lands to a residential use is irreversible for the life of the project.

Agriculture and Open Space Element Policy 25: Unique for Sensitive Habitat

- a. **Encourage private landowners to protect and preserve unique or sensitive habitat.**
- b. **For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures:**
 - 1. **Site the proposed development so as to avoid significant impacts on the habitat or significant impacts on the agricultural operations. Provide**

for adjustments in project design where alternatives are infeasible, more environmentally damaging, or have a significant negative impact on agriculture.

2. When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in the removal or impacts to sensitive biological habitats including oak woodland, riparian habitat, and wetland habitat.

Agriculture and Open Space Element Policy 26: Streams and Riparian Corridors

a. Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources.

b. For new development requiring a discretionary permit and for land divisions, protect streams and riparian habitat affected by the proposal through the following measures:

1. Consistent with the requirements of the Regional Water Quality Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board.

2. Require appropriate erosion control measures during and following construction.

3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and wildlife habitat if there are no practical alternatives. 4. Consistent with state and federal requirements, assure that stream diversion structures protect habitats.

4. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

The Original Project and the Applicant Proposed Alternative 2 would require consultation with and permits from U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and RWQCB for work within state and federal jurisdictional areas.

Agriculture and Open Space Element Policy 30: Scenic Resources.

a. Designation of a scenic corridor through the public hearing process as described under OSP24, and its subsequent management as described in OSP25, shall not interfere with agricultural uses on private lands.

b. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:

1. **Balance the protection of the scenic resources with the protection of agricultural resources and facilities.**
2. **When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.**
3. **Use natural landforms and vegetation to screen development whenever possible.**
4. **In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.**

The western and northern portions of the project site are located within a Sensitive Resource Area designation, including portions of sub-clusters A, C, and E. Based on the visual analysis, significant visual impacts would occur, including silhouetting above the ridgeline, the creation of visible road cuts, and degradation of visual character.

Agriculture and Open Space Element Policy 33: Archaeological and Cultural Sites

- a. **When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible.**

Significant archaeological and historical sites are identified on the project site. Mitigation measures are recommended including: preservation of historically significant structures and soil capping; however, unless an alternative project is implemented including elimination of lots within highly sensitive areas and relocation of lots and/or building envelopes, effluent disposal area(s), and proposed new replacement vineyards to avoid archaeological sites, the Original Project is inconsistent with this policy.

Agricultural and Open Space Element Policy 34: Historical Resources

- b.
 - a. **When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.**

Implementation of the Original Project originally proposed project or the Applicant Proposed Alternative 2 would impact features of the Campodonico Ranch complex including the demolition and removal of three historically significant buildings and four contributing features. Mitigation measures for these impacts are recommended in the FEIR, including preservation of some features and documentation, which would reduce the impact to a Class II, less than significant. These mitigation measures are incorporated into Applicant Proposed Alternative 2.

- B. The proposed map does not satisfy all applicable provisions of Title 22 of the County Code (2003) because:

- a. **Finding 22.22.150g(1)** states “The project will result in the continuation, enhancement, and long-term preservation of agricultural operations consisting of the production of food and fiber on the subject site and in the surrounding area.”

The Original Project and the Applicant Proposed Alternative 2 place four lots totaling 1,787 and 1,781 acres, respectively, under open space easements representing 95 and 90 percent of the Agriculture and Rural Lands portion of the site, respectively. However, several residential components of the project are proposed within the open

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space areas including agricultural buffers, the wastewater treatment plan, wastewater storage ponds, drainage basins, landscape mitigation requirements, and the ranch headquarters. This conversion of agricultural land as well as the permanent loss of 2.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, including 113 acres of productive vineyard and 61.9 acres of grazing land has not met the intent of this finding. The project proposes to replant 140 acres of vineyard or orchards; however, the long-term success and productivity of these replacement areas is unknown, while the permanent loss of currently productive areas is certain. In addition, the project includes agricultural buffers within the agricultural parcels, of 500 feet around the residential parcel, which are included as impacted area and total approximately 113 acres for agricultural buffer areas alone (36.6 acres in Agriculture and 76.4 acres in Rural Lands).

The Original Project and the Applicant Proposed Alternative 2 locate residential development throughout the entire agricultural operation. The non-contiguous design of the proposed residential parcels creates the need for removal of agricultural resources to accommodate buffering, which negatively impacts the continuation, enhancement, and long-term preservation of agricultural operations on the subject site. Furthermore, the proposed project includes several restrictions on how and when the farmer(s) on the open space parcels can operate. Such restrictions could be detrimental to the continuation, enhancement, and long-term preservation of the operation by precluding necessary agricultural practices at appropriate times.

The proposed residential project would be competing with agricultural operation on and off site for a limited water supply. Such competition could preclude continuation, enhancement, and long-term preservation of both on and off site agricultural operations and may restrict the ability of agricultural operations to meet market demands by changing to more water intensive crops.

Implementation of either proposal would include approximately 254 residents (assuming 2.49 people per household). In addition to the residents, transient population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. The location of these residents and associated transient population in proximity to the agriculture areas may result in trespassing, vandalism, crop theft and overall disruption of agricultural practices.

- b. Finding 22.22.150g(2)a** which states, “The project has been designed to locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties”, cannot be made as the Original Project and the Applicant Proposed Alternative 2 locate development throughout the entire agricultural operation. The non-contiguous design of the proposed residential parcels creates the need for removal of agricultural resources to accommodate buffering, which negatively impacts the continuation, enhancement, and long-term preservation of agricultural operations on the subject site.
- c. Finding 22.22.150g(2)c** which states, “Avoid the placement of roads or structures on any environmentally sensitive habitat areas.” This finding cannot be made for the Original Project or the Applicant Proposed Alternative 2 as it directly impacts riparian

habitats, wetland habitats, and natural plant communities including oak woodlands, and special-status plant and animal species (including California red-legged frog, pond turtles, cooper's hawk, white-tailed kite, club-haired mariposa lily, Jones' mallow, South-central California Coast steelhead, and nesting birds). Both proposals would result in Class I impacts related to oak tree removal and oak woodland conversion and fragmentation. Approximately 169 and 63 oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), would be removed or impacted by development of the Original Project and the Applicant Proposed Alternative 2. Oak woodland habitats would be converted or fragmented due to tree removal and impacts from grading or compaction within the root zone, limbing or thinning per CAL FIRE requirements, changes to water regime, decreased reproduction due to ground disturbance, and other types of residential activities. Re-establishment rates of oaks can vary widely between project sites and over time. A Class I impact results due to a combination of the number of trees impacted and the length of time required for replacement trees to reach maturity and for the conservation areas to have similar habitat values as the impacted/removed oak woodlands.

- d. **Finding 22.22.150g(2)e** requires residential structures to be clustered to the maximum extent feasible so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area. This finding cannot be made as the Original Project and the Applicant Proposed Alternative 2 distribute residential development throughout the entire vineyard area. Residential development covers an area more than two miles in length and over a half mile in width. Based on the non-contiguous layout of the proposed lots, the agricultural operations would be compromised after development of the residential lots because of inherent incompatibilities between residential uses and vineyard operations.
- e. **Finding 22.22.150g(3)** states "the project will not result in any significant adverse social impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices." Implementation of the Original Project or the Applicant Proposed Alternative 2 would include approximately 254 residents living within and arguably intertwined with a highly productive commercial agricultural operation. The lack of, or presence of important social compatibility issues between the two very different uses are inherently related to the proximity of the two uses and design characteristics of the project. In addition to the residents, visiting population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. Although the applicant has included many innovative design and operational aspects to the project it is staff's professional assessment that the design of the project does not allow this finding to be made as the location of the residents and the visiting public is in such intimate proximity to the agriculture areas that it may result in commonly encountered social impacts. These social impacts include complaints about standard agricultural practices such as the presence of field crews near private areas which may operate at varying hours depending on the need of the crop, and noise and dust from agricultural equipment which are seen as opposite of the expectation of quiet enjoyment of residential uses, and concerns from agriculturist related to safety and liability issues created by the interaction of people and machinery and agricultural

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inputs and impacts from encroachment into crops that can be detrimental to food safety or result in crop loss and inconvenience from trespassing and vandalism.

It is infeasible to control the activities of the residents and visiting population of the agricultural cluster subdivision at all times in order to protect the agricultural operations from these impacts.

Finding 22.22.150g(4) requires water resources and all necessary services to be adequate to serve the proposed development, including residential uses as well as existing and proposed agricultural operations on the subject site and in the site vicinity. The FEIR water resource analysis concluded that wells in the fractured bedrock aquifer would be expected to yield adequate groundwater for the project. The sustainable yield was estimated to be 62.4 acre feet per year (afy). The project demand of 46.3 afy is less than the sustainable yield as long as an extensive series of water conservation measures are implemented indefinitely. The existing agricultural wells would continue to serve the vineyards and proposed replacement vineyards. Based on the FEIR discussion, this finding can be made for both the Original Project and the Applicant Proposed Alternative 2. Nonetheless, numerous comments from nearby property owners and organizations such as the Water Resources Advisory Council have expressed concern with the availability of water in the area and the enforceability of the identified conservation measures. As stated above, the project demand is dependent on numerous mitigation measures requiring compliance with sustainable yield rates, monthly pumping schedules, water conservation, turf limitation, a Water Master Plan, and Drought Water Management Plan.

- C. The site is not physically suitable for the type and proposed density of the development proposed because the Original Project and the Applicant Proposed Alternative 2 have a total of 102 residential lots that have project-specific significant and unavoidable impacts on agricultural resources, air quality, biological resources, noise, and utilities, visual resources, and transportation, as well as cumulative significant and unavoidable impacts on agricultural resources, air quality, public services and utilities, and transportation. Specifically, both proposals are sprawling residential development located outside of the URLs of nearby communities, eroding the community separator between the communities of Nipomo and Arroyo Grande. The project will create significant impacts to the Highway 101 visual corridor. Transportation and access issues with emergency access to Highway 101 create a significant public safety concern.
- D. The design of the subdivision or the proposed improvements will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the Original Project and the Applicant Proposed Alternative 2 have twenty (20) and fifteen (15) significant and unavoidable, Class I, environmental impacts as shown in the table below:

Impact	Original Proposed Project	Applicant Proposed Alternative 2
AES Impact 4 Visibility of development and associated earthwork related to Main Road 2, residential development of Sub-cluster E (Lots 87 through 105), Roads A, B, E, and F, residential development on Lot 46, the water storage tank, associated cut slope and access road.	X	X

Attachment 1 - Exhibit A Findings

AES Impact 5	Visibility of the residential development of Sub-cluster A (Lots 1 through 23).	X	
AES Impact 6	Visibility of the residential development of Sub-cluster B (Lots 24 through 43).	X	
AES Impact 18	The visibility of individual project elements in the context of emerging development along the Highway 101 corridor.	X	X
AG Impact 1	Permanent loss of 2.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, including 103 acres of productive vineyard, and 61.9 acres of Grazing Land.	X	X
AG Impact 2	The non-contiguous nature of the proposed project and inadequate buffers between the existing agricultural use and proposed residential use and access roads would create land use conflicts, which would compromise the productivity of the existing agricultural operation.	X	X
AG Impact 4	Implementation of the proposed project would significantly contribute to the cumulative loss of productive Farmland.	X	X
AQ Impact 9	The proposed project is inconsistent with the general land use and planning policies identified in the Clean Air Plan, resulting in air pollutants generated by increased traffic trips, resulting in a long-term, significant, and unavoidable impact.	X	X
AQ Impact 10	The proposed project is inconsistent with the regional land use and planning policies identified in the Clean Air Plan, would impair the County's ability to achieve attainment status for ozone, and would result in cumulatively considerable greenhouse gas emissions impacts resulting in a cumulative, significant, adverse, and unavoidable impact.	X	X
AR Impact 1	Implementation of the proposed project would directly impact known, significant archaeological sites SLO 2526 and SLO-2528. Grading and trenching activities associated with the implementation of proposed vineyard replacement areas may result in the disturbance of known, significant, subsurface archaeological materials within sites SLO-1317 and SLO-2522.	X	
AR Impact 9	Proposed grading and construction activities would result in the direct disturbance and destruction of significant archaeological sites, which would contribute to the loss of intact archaeological resources in the South County area, resulting in a significant and unavoidable cumulative impact.	X	
BIO Impact 3	Development of the proposed project would result in the removal of and/or impacts to an estimated 169 coast live oak trees that are greater than five inches DBH, as well as impacts to approximately 14.35 acres of native oak woodland habitat.	X	X
HM Impact 2	The proposed project is inconsistent with CAL FIRE requirements for maximum road lengths.	X	X
NS Impact 3	Development of the proposed project would expose residential parcels of Sub-cluster C (Lots 46 through 65) to stationary noise levels associated with activities resulting from operations at the processing facility during harvest season estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact. Development of the proposed project would expose residential parcels throughout the project site to equipment noise levels associated with vineyard operations estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact.	X	X
PSU Impact 4	The proposed project would increase the number of residents served by the CAL FIRE and other emergency services, which would result in an increased demand for emergency services personnel and facilities. The project would require a new fire station to provide life safety response in the immediate area.	X	X
TR Impact 4	The proposed project would add traffic to southbound Highway 101 during the p.m. peak hour and exacerbate an existing deficient condition according to Caltrans standards. Congestion under LOS D conditions would be limited. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour.	X	X
TR Impact 10	The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because the gate could physically be opened for non-emergency use, resulting in a significant project-specific impact.	X	X
TR Impact 13	The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because residents could open and close the gate could physically be opened for non-emergency use, significantly contributing to the cumulative degradation of this	X	X

Attachment 1 - Exhibit A Findings

intersection.		
TR Impact 15 The proposed project would exacerbate projected deficient operations along Highway 101 during the a.m. and p.m. peak hours under Cumulative Conditions. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour under Cumulative Conditions.	X	X

Environmental Determination

- E. The Environmental Coordinator, after completion of the initial study, found that there was evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics Resources, Agricultural Resources, Air Quality, Archaeological Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, and Water Resources. The EIR also considers alternatives in addition to the "No Project" alternative. While an EIR has been prepared, per the Public Resources Code 21080(b)(5) and CEQA Guidelines, CEQA does not apply to projects which a public agency rejects or disapproves. However, the FEIR has provided evidence and information to support this denial, including an evaluation of the significant and unavoidable environmental impacts of the proposed project.
- F. There are insufficient specific, overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant effects on the environment, as would be required to approve the Original Project or the Applicant Proposed Alternative 2 pursuant to Public Resources Code section 21081.

Conditional Use Permit

- G. The proposed Conditional Use Permit is not consistent with the San Luis Obispo County General Plan because it is inconsistent with the following policies:

SOUTH COUNTY AREA PLAN (1994)

The South County Area Plan includes the following policies, which state:

South County Inland Area Plan Primary Goal 4: Promote the rural character and heritage of South County with a strong sense of identity and place. Implementation of the Original Project and the Applicant Proposed Alternative 2 would introduce residential elements within an existing rural area not designed according to adopted agriculture clustering policy, which in part serves to maintain the rural character and heritage between the City of Arroyo Grande and unincorporated community of Nipomo.

South County Inland Area Plan Primary Goal 6: Promote the long-term sustainability of natural resources as growth occurs with sensitivity to the natural and built environment.

The Original Project and the Applicant Proposed Alternative 2 propose to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves, including productive agricultural areas, oak woodland, coastal scrub, and grassland habitats. While the resources within these open space and agricultural areas would

benefit from this preservation, the project would also result in the loss of or impacts to 169 and 63 coast live oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), the permanent conversion of 103 and 113 acres, respectively, of productive vineyard, and permanent loss of 159 acres of Important and Unique Farmland. In addition, secondary impacts to natural resources such as removal of natural habitat and flora would occur as a result of necessary road improvements for the linear and spreading project design.

South County Inland Area Plan Expansion Goal 7: Strengthen the continuation of agriculture as part of the economic base of the South County area.

The Original Project and the Applicant Proposed Alternative 2 propose to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves; however, proposed development would require the removal of 103 and 113 acres, respectively, of vineyards and the permanent conversion of underlying soils to non-agricultural uses. While approximately 140 and 118 acres, respectively, of replacement vineyards are proposed, the long-term success of these replacement areas is unknown. In addition, the lack of adequate buffers between the proposed residential use and existing and future vineyards would likely result in conflicts that would impair agricultural productivity.

South County Inland Area Plan Community Planning Goal 1: Retain the open, low-density character around and between population centers.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would modify the existing open, low-density visual character by introducing residential clusters within an existing agricultural area, visible from Highway 101, between the City of Arroyo Grande and community of Nipomo.

South County Inland Area Plan Quality of Life Goal 2: Maintain the rural open countryside of the Nipomo Mesa, the Nipomo valley and the foothills, as a contrast to the development density and activity within the urban and village areas.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would modify the existing rural character by introducing residential clusters within an existing agricultural area, visible from Highway 101, between the City of Arroyo Grande and community of Nipomo.

South County Inland Area Plan Public Services and Facilities Goal 3: Evaluate the financial capability of service providers to accommodate additional growth by reviewing capital improvement plans before urban expansion or major projects are approved.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would adversely affect roadways and intersections within the study area. Either proposal would adversely affect the Highway 101 corridor and associated ramps at the Los Berros Road/North Thompson Road/Highway 101 interchange. The applicant would potentially contribute to the South County Fee Program; however, until improvements are implemented significant and adverse impacts would occur.

FRAMEWORK FOR PLANNING (1994)

The South County Area Plan includes the following policies, which state:

Environmental Goal 1: Maintain and protect a living environment that is safe, healthful, and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.

Construction of the Original Project or the Applicant Proposed Alternative 2 would affect oak woodland onsite, including removal of 169 and 63 oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), to accommodate development, resulting in a significant and adverse impact, Class I.

Environmental Goal 2: Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in significant and adverse, Class I, transportation and circulation impacts due to the inadequate capacity of affected roadways and highway facilities.

Population Growth Goal 6: Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The project will significantly impact the ability of Cal Fire to provide future services to the South County due to the need for an additional fire station. The FEIR includes mitigation for a new fire station or payment of an equivalent in-lieu fee, but the impacts of the project would occur prior to construction of the facility.

Phasing of Urban Development Goal 11: Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities and their programmed expansion where funding has been identified.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The project will significantly impact the ability of Cal Fire to provide future services to the South County due to the need for an additional fire station. The FEIR includes mitigation for a new fire station or payment of an equivalent in-lieu fee, but the impacts of the project would occur prior to construction of the facility.

Air Quality Goal 3: Preserve and protect air quality of the County by seeking to attain and maintain state and federal ambient air quality standards.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan, which identifies planning goals and policies to reduce emissions generated by development and traffic trips. Implementation of either proposal would create significant urban development outside of urban areas, requiring the generation of traffic trips to access services, as residents would be reliant on the automobile for the vast majority of all trips made.

Air Quality Goal 4: Determine and mitigate where feasible, the potential adverse air quality impacts of new development.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to meet air quality requirements. The Original Project and the Applicant Proposed Alternative 2

would exceed population growth assumptions and result in a substantial increase in vehicle miles traveled. Based on the existing zoning and the General Plan, the CAP assumed 24 units at build-out. The Original Project and the Applicant Proposed Alternative 2 would result in a population increase of 101 units. This population increase would generate approximately 1,049 trips per day. Residential development outside of urban areas tends to generate more and longer trips compared with similar development within urban areas. Both proposals are relatively low density suburban development in a rural area not located near a commercial center. As a result, both projects would not include sufficient transportation control measures or land use management strategies to be consistent with the CAP.

Air Quality Goal 5: Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with the Clean Air Plan, and associated transportation control measures by developing an urban use within a rural area, generally requiring the use of vehicles to access urban services. No commercial services are included in the development, nor would they be located within walking or convenient bicycling distance from the project. There are no existing bike lanes or transit stops adjacent to the proposed development that could be incorporated into the project design. Residents would be reliant on the automobile for the vast majority of all trips made.

Distribution of Land Uses Goal 8: Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.

The Original Project and the Applicant Proposed Alternative 2 include the development of 101 residential lots within a currently operating and productive agricultural and rural area. Implementation of either project would result in significant impacts to aesthetic resources by introducing urban development within an agricultural area, which also serves as a green belt between the City of Arroyo Grande and the unincorporated community of Nipomo.

Distribution of Land Uses Goal 10: Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

The applicant proposes to place 1,792 acres of the 1,910-acre site under open space easements and agricultural preserves; however, proposed development would require the removal of 103 and 113 acres, respectively, of vineyards and the permanent conversion of underlying soils to non-agricultural uses. While approximately 140 and 118 acres, respectively, of replacement vineyards are proposed, the long-term success of these replacement areas is unknown. In addition, the lack of adequate buffers between the proposed residential use and existing vineyards would likely result in conflicts that would impair agricultural productivity.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would generate approximately 254 residents. In addition to the residents, transient population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. The location of these

residents and public in proximity to the agriculture areas may result in trespassing, vandalism, complaints about agricultural practices, and safety and liability issues.

With proposed residential parcels, access roads, wastewater treatment plan, ranch headquarters, and agricultural buffers, the amount of developed land will exceed 250 acres. Due to the scattered-lot residential design, transient population impacts may be magnified with greater access to productive agriculture areas.

Residential Land Uses Goal 13: Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses. Implementation of the Original Project or the Applicant Proposed Alternative 2 would locate residences above those allowed by the Agricultural and Rural Residential Clustering policies outside of urban and village reserve lines, and over two miles from major employment areas. Residents may be affected by adjacent agricultural operations (e.g., noise, dust, odors) rather than protecting them from potentially incompatible uses.

Public Services and Facilities Goal 15: Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services, and facilities.

Public Services and Facilities Goal 16: Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.

Public Services and Facilities Goal 17: Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees, or exactions.

Implementation of the Original Project or the Applicant Proposed Alternative 2 would significantly affect transportation, recreation, and fire protection services. The timeframe for construction of recreational and fire safety improvements and facilities is unknown; the short-term demand for these resources may exceed the planned capacity of these resources and services. In-lieu and public facility fees would be required, per adopted County fee programs, consistent with these policies, but the impacts of the project would occur prior to construction of the facility.

NOISE ELEMENT (1992)

The County Noise Element includes the following policies, which state:

Noise Element Policy 3.3.3: Noise created by new transportation noise sources, including roadway improvement projects shall be mitigated so as to not exceed the levels specified in Table 3-1 within the outdoor activity areas and interior spaces of existing noise sensitive land uses.

Development of either proposal would create significant amounts of new vehicle traffic traveling on North Thompson Road, which would exacerbate the current exceedance of the 60 dBA outdoor noise threshold as defined by the Noise Element. Although the one decibel increase average over 24 hours would not be perceptible, 1,059 noise impulses associated with daily trips from the project will exacerbate the current exceedance of the 60 dBA noise threshold.

Noise Element Policy 3.3.4: New Development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2 unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.

Development of the Original Project or the Applicant Proposed Alternative 2 would expose residential parcels of sub-cluster C (Lots 46 through 65) to stationary noise levels associated with activities resulting from operations at the processing facility during harvest season estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact. A 25-foot tall noise wall is identified to reduce the effects of stationary noise generated by the winery. In addition, proposed residential parcels throughout the project site would be exposed to equipment noise levels associated with vineyard operations estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact.

ENERGY ELEMENT (1995)

The County Energy Element includes the following policies, which state:

Energy Element Policy 1. Encourage energy efficient land development by promoting compact, residential areas and commercial service cores and non-vehicular linkages between them. Concentrate new growth within existing communities, emphasizing services, so that individual communities become more complete, diverse, and balanced. Allow multi-family housing in and near downtowns, neighborhood commercial centers, and mixed use developments. Isolated and remote residential development projects shall be discouraged.

The Original Project and the Applicant Proposed Alternative 2 are not within or adjacent to an existing community. The proposed residential development begins approximately 2 miles south of the City of Arroyo Grande and continues south for over a mile. Due to the sprawling, remote, and isolated nature of the proposed development, the Original Project and the Applicant Proposed Alternative 2 are not consistent with this policy.

Energy Element Policy 2. Encourage the concentration of new residential development in higher density residential areas located near major transportation corridors and transit routes. Public facilities, commercial areas, and schools should be grouped into pedestrian and bicycle-accessible core areas that provide a focal point to the community and promote public transit.

The Original Project and the Applicant Proposed Alternative 2 would result in low density residential development that would not be concentrated contiguous to the City of Arroyo Grande or community of Nipomo, and would not be located near major transit facilities.

AGRICULTURE AND OPEN SPACE ELEMENT (1998)

The County Agriculture Element includes the following policies, which state:

Agriculture and Open Space Element Policy 11: Agricultural Water Supplies. A. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.

The Original Project and the Applicant Proposed Alternative 2 are not consistent with this policy as both proposals compete with agricultural operations for limited groundwater supplies. Water conservation measures proposed by the applicant, and recommended as mitigation measures in the EIR would reduce the anticipated demand for domestic water supply. During prolonged drought conditions, however, the applicant proposes to implement additional measures including limiting irrigation of agricultural crops and common area landscaping.

Agriculture and Open Space Element Policy 17: Agricultural Buffers. A. Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisors.

The County Agricultural Commissioner recommends a 500-foot buffer between proposed residential development and productive vineyards. Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in residential parcels located less than 200 feet from existing and proposed productive vineyard areas. In addition, the residential sub-clusters and associated residential roads would be located throughout the vineyards, resulting in inadequate separation between the two uses. Implementation of inadequate buffers would result in land use conflicts that would ultimately adversely affect the long-term management and productivity of the vineyard.

Agriculture and Open Space Element Policy 18: Location of Improvements. B. Locate new buildings, access roads, and structures so as to protect agricultural land.

The Original Project and the Applicant Proposed Alternative 2 propose to remove approximately 103 and 113 acres, respectively, of productive vineyards to accommodate residential development and establish proposed buffer zones.

Agriculture and Open Space Element Policy 20: Agricultural Land Divisions.

- a. **Where a division of agricultural lands is proposed, a contiguous cluster division consistent with AGP22 is an alternative to a conventional “lot split” land division.**
- b. **Where a land division is proposed, the proposed parcels should be designed to ensure the long term protection of agricultural resources.**

The Original Project and the Applicant Proposed Alternative 2 are inconsistent with this policy because long term protection of agricultural resources for continued and enhanced production is not ensured within the residential cluster due to the non-contiguous/compact location of the proposed residences that results in maximum interface with vineyard areas. The residential sub-clusters and associated residential roads would be located throughout the vineyards, resulting in inadequate separation between the two uses. Implementation of inadequate buffers would result in land use conflicts that would ultimately adversely affect the long-term management and productivity of the vineyard.

Agriculture and Open Space Element Policy 21: Minimum Parcel Size Criteria for the Division of Agricultural Lands

- a. **Minimum parcel sizes for the proposed division of land designated Agriculture shall be based upon the existing and potential use of the land for cropland and grazing. Minimum parcel size standards for the creation of new parcels are shown in Figure 2.2.**

Agriculture and Open Space Element Policy 22: Major Agricultural Cluster Projects.

- b. The maximum number of parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings normally allowed on the parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria. (Major agricultural cluster projects may include reduction in the number of parcels down to 26 percent of the maximum potential allowance if proposed by the applicant in order to mitigate potential impacts of the project.)

The applicant is requesting approval of a major agricultural cluster. The project site is located approximately two miles south of the City of Arroyo Grande, and two miles north of the unincorporated community of Nipomo. 102 residential lots, each one acre in size, and four open space easements are proposed. One dwelling is proposed on each residential lot. The open space lots would be placed under open space easements/agricultural preserves, and would support vineyards, orchards, the existing winery and associated facilities, wastewater treatment facilities, ranch headquarters/homeowners association facility, and undeveloped open space in the Original Project. The Applicant Proposed Alternative 2 would have these facilities on their own parcels. The project site is located within two land use categories: Agriculture and Rural Lands. Based on the applicant's calculations, allowable residential density based on existing agricultural uses would be 49 dwellings within the Agriculture land use category, assuming a 20-acre minimum parcel size. The applicant proposes 40 one-acre residential parcels within the Agriculture land use category. AGP22 does not provide guidance regarding cluster divisions on land use categories other than Agriculture.

In addition, the applicant's calculations incorrectly take into consideration proposed new agricultural areas (which may or may not be successfully productive), and do not take into consideration productive areas lost due to proposed buffer zones.

Agriculture and Open Space Element Policy 24: Conversion of Agricultural Land.

- a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:
 - 1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.
 - 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.
 - 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.
 - 4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

The Original Project and the Applicant Proposed Alternative 2 are both located outside of any urban or village reserve lines, which were established to protect agricultural land and stabilize agriculture at the urban fringe. Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in the removal of approximately 103 acres of productive vineyard. In addition, the project would result in the conversion of approximately 12.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, and 61.9 acres of Grazing Land. The applicant proposes to plant approximately 140 and 118 acres, respectively, of replacement vineyards on the project site; however, this would only partially offset the significant and adverse effects. The long-term maintenance and sustainability of these proposed replacement areas is not certain, while the conversion of agricultural lands to a residential use is irreversible for the life of the project.

Agriculture and Open Space Element Policy 25: Unique for Sensitive Habitat

- a. **Encourage private landowners to protect and preserve unique or sensitive habitat.**
- b. **For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures:**
 1. **Site the proposed development so as to avoid significant impacts on the habitat or significant impacts on the agricultural operations. Provide for adjustments in project design where alternatives are infeasible, more environmentally damaging, or have a significant negative impact on agriculture.**
 2. **When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.**

Implementation of the Original Project or the Applicant Proposed Alternative 2 would result in the removal or impacts to sensitive biological habitats including oak woodland, riparian habitat, and wetland habitat.

Agriculture and Open Space Element Policy 26: Streams and Riparian Corridors

- a. **Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources.**
- b. **For new development requiring a discretionary permit and for land divisions, protect streams and riparian habitat affected by the proposal through the following measures:**
 1. **Consistent with the requirements of the Regional Water Quality Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board.**
 2. **Require appropriate erosion control measures during and following construction.**

3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and wildlife habitat if there are no practical alternatives. 4. Consistent with state and federal requirements, assure that stream diversion structures protect habitats.

4. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

The Original Project and the Applicant Proposed Alternative 2 would require consultation with and permits from U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and RWQCB for work within state and federal jurisdictional areas.

Agriculture and Open Space Element Policy 30: Scenic Resources.

- a. Designation of a scenic corridor through the public hearing process as described under OSP24, and its subsequent management as described in OSP25, shall not interfere with agricultural uses on private lands.
- b. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:
 - 1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.
 - 2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
 - 3. Use natural landforms and vegetation to screen development whenever possible.
 - 4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.

The western and northern portions of the project site are located within a Sensitive Resource Area designation, including portions of sub-clusters A, C, and E. Based on the visual analysis, significant visual impacts would occur, including silhouetting above the ridgeline, the creation of visible road cuts, and degradation of visual character.

Agriculture and Open Space Element Policy 33: Archaeological and Cultural Sites

- c. When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible.

Significant archaeological and historical sites are identified on the project site. Mitigation measures are recommended including: preservation of historically significant structures and soil capping; however, unless an alternative project is implemented including elimination of lots within highly sensitive areas and relocation of lots and/or building envelopes, effluent disposal area(s), and proposed new replacement vineyards to avoid archaeological sites, the Original Project is inconsistent with this policy.

Agricultural and Open Space Element Policy 34: Historical Resources

- d. a. **When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.**

Implementation of the Original Project originally proposed project or the Applicant Proposed Alternative 2 would impact features of the Campodonico Ranch complex including the demolition and removal of three historically significant buildings and four contributing features. Mitigation measures for these impacts are recommended in the FEIR, including preservation of some features and documentation, which would reduce the impact to a Class II, less than significant. These mitigation measures are incorporated into Applicant Proposed Alternative 2.

- H. The proposed Conditional Use Permit does not satisfy all applicable provisions of Title 22 of the County Code (2003) because:

- a. **Finding 22.22.150g(1)** states “The project will result in the continuation, enhancement, and long-term preservation of agricultural operations consisting of the production of food and fiber on the subject site and in the surrounding area.”

The Original Project and the Applicant Proposed Alternative 2 place four lots totaling 1,787 and 1,781 acres, respectively, under open space easements representing 95 and 90 percent of the Agriculture and Rural Lands portion of the site, respectively. However, several residential components of the project are proposed within the open space areas including agricultural buffers, the wastewater treatment plan, wastewater storage ponds, drainage basins, landscape mitigation requirements, and the ranch headquarters. This conversion of agricultural land as well as the permanent loss of 2.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, including 113 acres of productive vineyard and 61.9 acres of grazing land has not met the intent of this finding. The project proposes to replant 140 acres of vineyard or orchards; however, the long-term success and productivity of these replacement areas is unknown, while the permanent loss of currently productive areas is certain. In addition, the project includes agricultural buffers within the agricultural parcels, of 500 feet around the residential parcel, which are included as impacted area and total approximately 113 acres for agricultural buffer areas alone (36.6 acres in Agriculture and 76.4 acres in Rural Lands).

The Original Project and the Applicant Proposed Alternative 2 locate residential development throughout the entire agricultural operation. The non-contiguous design of the proposed residential parcels creates the need for removal of agricultural resources to accommodate buffering, which negatively impacts the continuation, enhancement, and long-term preservation of agricultural operations on the subject site. Furthermore, the proposed project includes several restrictions on how and when the farmer(s) on the open space parcels can operate. Such restrictions could be detrimental to the continuation, enhancement, and long-term preservation of the operation by precluding necessary agricultural practices at appropriate times.

The proposed residential project would be competing with agricultural operation on and off site for a limited water supply. Such competition could preclude continuation, enhancement, and long-term preservation of both on and off site agricultural

operations and may restrict the ability of agricultural operations to meet market demands by changing to more water intensive crops.

Implementation of either proposal would include approximately 254 residents (assuming 2.49 people per household). In addition to the residents, transient population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. The location of these residents and associated transient population in proximity to the agriculture areas may result in trespassing, vandalism, crop theft and overall disruption of agricultural practices.

- b. Finding 22.22.150g(2)a** which states, “The project has been designed to locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties”, cannot be made as the Original Project and the Applicant Proposed Alternative 2 locate development throughout the entire agricultural operation. The non-contiguous design of the proposed residential parcels creates the need for removal of agricultural resources to accommodate buffering, which negatively impacts the continuation, enhancement, and long-term preservation of agricultural operations on the subject site.
- c. Finding 22.22.150g(2)c** which states, “Avoid the placement of roads or structures on any environmentally sensitive habitat areas.” This finding cannot be made for the Original Project or the Applicant Proposed Alternative 2 as it directly impacts riparian habitats, wetland habitats, and natural plant communities including oak woodlands, and special-status plant and animal species (including California red-legged frog, pond turtles, cooper’s hawk, white-tailed kite, club-haired mariposa lily, Jones’ mallow, South-central California Coast steelhead, and nesting birds). Both proposals would result in Class I impacts related to oak tree removal and oak woodland conversion and fragmentation. Approximately 169 and 63 oak trees, respectively (not including approximately 94 oak trees and 16 sycamore trees that would be affected by off-site road improvements), would be removed or impacted by development of the Original Project and the Applicant Proposed Alternative 2. Oak woodland habitats would be converted or fragmented due to tree removal and impacts from grading or compaction within the root zone, limbing or thinning per CAL FIRE requirements, changes to water regime, decreased reproduction due to ground disturbance, and other types of residential activities. Re-establishment rates of oaks can vary widely between project sites and over time. A Class I impact results due to a combination of the number of trees impacted and the length of time required for replacement trees to reach maturity and for the conservation areas to have similar habitat values as the impacted/removed oak woodlands.
- d. Finding 22.22.150g(2)e** requires residential structures to be clustered to the maximum extent feasible so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area. This finding cannot be made as the Original Project and the Applicant Proposed Alternative 2 distribute residential development throughout the entire vineyard area. Residential development covers an area more than two miles in length and over a half mile in width. Based on the non-contiguous layout of the proposed lots, the agricultural operations would be compromised after development of the residential

lots because of inherent incompatibilities between residential uses and vineyard operations.

- e. **Finding 22.22.150g(3)** states “the project will not result in any significant adverse social impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.” Implementation of the Original Project or the Applicant Proposed Alternative 2 would include approximately 254 residents living within and arguably intertwined with a highly productive commercial agricultural operation. The lack of, or presence of important social compatibility issues between the two very different uses are inherently related to the proximity of the two uses and design characteristics of the project. In addition to the residents, visiting population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. Although the applicant has included many innovative design and operational aspects to the project it is staff's professional assessment that the design of the project does not allow this finding to be made as the location of the residents and the visiting public is in such intimate proximity to the agriculture areas that it may result in commonly encountered social impacts. These social impacts include complaints about standard agricultural practices such as the presence of field crews near private areas which may operate at varying hours depending on the need of the crop, and noise and dust from agricultural equipment which are seen as opposite of the expectation of quiet enjoyment of residential uses, and concerns from agriculturist related to safety and liability issues created by the interaction of people and machinery and agricultural inputs and impacts from encroachment into crops that can be detrimental to food safety or result in crop loss and inconvenience from trespassing and vandalism.

It is infeasible to control the activities of the residents and visiting population of the agricultural cluster subdivision at all times in order to protect the agricultural operations from these impacts.

Finding 22.22.150g(4) requires water resources and all necessary services to be adequate to serve the proposed development, including residential uses as well as existing and proposed agricultural operations on the subject site and in the site vicinity. The FEIR water resource analysis concluded that wells in the fractured bedrock aquifer would be expected to yield adequate groundwater for the project. The sustainable yield was estimated to be 62.4 acre feet per year (afy). The project demand of 46.3 afy is less than the sustainable yield as long as an extensive series of water conservation measures are implemented indefinitely. The existing agricultural wells would continue to serve the vineyards and proposed replacement vineyards. Based on the FEIR discussion, this finding can be made for both the Original Project and the Applicant Proposed Alternative 2. Nonetheless, numerous comments from nearby property owners and organizations such as the Water Resources Advisory Council have expressed concern with the availability of water in the area and the enforceability of the identified conservation measures. As stated above, the project demand is dependent on numerous mitigation measures requiring compliance with sustainable yield rates, monthly pumping schedules, water conservation, turf limitation, a Water Master Plan, and Drought Water Management Plan.

Attachment 1 - Exhibit A Findings

- I. The establishment and subsequent operation or conduct of the use will be, because of the circumstances and conditions in this particular case, detrimental to the health, safety and / or welfare of the general public and / or persons residing and / or working in the neighborhood of the use, and / or be detrimental and / or injurious to property and / or improvements in the vicinity of the use because:
- a. The project site is located within a high fire hazard area, is surrounded by wildland, and proposed structures will be exposed to significant fire hazards. Based on the proposed project design for both the Original Project and the Applicant Proposed Alternative 2, primary access would be via Upper Los Berros Road with secondary access via Laetitia Vineyard Drive, which connects with Highway 101 at an existing at-grade intersection, and currently serves as the entrance driveway to the winery and tasting room facility. The original “crash-gate” proposed by the applicant would prohibit eastbound traffic from entering the residential subdivision from Laetitia Vineyard Drive, but CAL FIRE does not permit the use of a crash gate, and recommends a “no-notice” gate that will open automatically upon approach to allow free-flow egress from the residential area onto Laetitia Vineyard Drive. The Applicant Proposed Alternative 2 proposes a guardhouse and access gate. Based on consultation with Caltrans, the generation of any non-emergency traffic trips at the Highway 101/Laetitia Vineyard Drive intersection would result in a serious public safety concern.
 - b. Development of the Original Project and the Applicant Proposed Alternative 2 would expose residential parcels of Sub-cluster C (Lots 46 through 65) to stationary noise levels above the County’s noise thresholds associated with activities resulting from operations at the processing facility during harvest season. Development of either proposal would expose residential parcels throughout the project site to equipment noise levels associated with vineyard operation, as well as noise impacts to existing receptors located adjacent to roadways in the project vicinity.
 - c. The Original Project and the Applicant Proposed Alternative 2 will result in long term emissions associated with vehicle traffic and electricity and natural gas usage, emissions associated with construction equipment and demolition activities dust generated by grading required for the installation of infrastructure systems as well as individual lot development; and potential odor emissions associated with the wastewater treatment plant and agricultural pesticides.
 - d. The Original Project and the Applicant Proposed Alternative 2 are expected to generate 1,049 average daily trips (80 AM peak hour and 108 PM peak hour trips), excluding the dude ranch. The proposed project would add traffic to southbound Highway 101 during the p.m. peak hour and exacerbate an existing deficient condition according to Caltrans standards. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour. The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because the gate could physically be opened for non-emergency use, resulting in a significant project-specific impact. These impacts of the Original Project as well as the cumulative impacts both result in serious public health and safety concerns. The proposed project also includes public health and safety concerns for left turn movements on Sheehy Road, exacerbation of a deficiency at

Attachment 1 - Exhibit A Findings

the Sheehy Road/North Dana Foothill intersection, unpaved shoulders and roadway striping, inadequate site distance, and inadequate parking.

- e. The Original Project the Applicant Proposed Alternative 2 would increase the County population by approximately 254 people (102 residential dwelling units x 2.49 persons per unit). As a result, development under the proposed project would increase the number of residents served by the Sheriff Department's South Station, thereby widening the officer to population gap and increasing the threat to public safety.
- J. The Original Project and the Applicant Proposed Alternative 2 will not be consistent with the character of the immediate neighborhood and the character of the surrounding rural area and / or its orderly development because:
- a. Both proposals would result in substantial amounts of grading and earthwork, which will be visible due to the extensive visual exposure the site has to the surrounding public roads and other areas. The visual contrast of disturbed earth combined with the angular appearance of engineered cut and fill slopes would be seen from great distances. This degree of visibility would increase noticeability of the project as a whole and would contribute to an alteration of existing rural character. Both proposals would be visible from many viewpoints in the surrounding area and from important public roadways. The majority of the residences would be visible from at least one of the many viewpoints the project site affords.
 - b. Both proposals would also create a new source of night lighting visible from the Highway 101 corridor, Upper Los Berros Road, Dana Foothill Road, and residences in the area. The elevated locations of the lots and internal roadways relative to most viewpoints would position the lights onto the hillside backdrops for the affected viewers.
 - c. Several components of both proposals are highly visible as seen from the Highway 101 travel corridor. Implementation of project elements would result in significant changes to the existing rural character, and will increase the overall noticeability of the project as a whole.
 - d. The Original Project and the Applicant Proposed Alternative 2 are expected to generate 1,049 average daily trips (80 AM peak hour and 108 PM peak hour trips), excluding the dude ranch. This additional traffic will significantly alter the existing rural character of the area by creating congestion on roads used by both residential and agricultural vehicles.
 - e. The Original Project and the Applicant Proposed Alternative 2 include the construction of a sewage collection system, wastewater treatment and recycling facility, and an agricultural reclamation system. The proposed facility includes a 10,000-square foot building shell, six storage tanks for domestic sewage, a domestic sewage collection system, and a 20.8-acre disposal area for treated domestic wastewater. These facilities are not typically associated with rural agriculture areas and will contribute to an alteration of the existing rural character.

Environmental Determination

Attachment 1 - Exhibit A Findings

- K. The Environmental Coordinator, after completion of the initial study, found that there was evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics Resources, Agricultural Resources, Air Quality, Archaeological Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, and Water Resources. The EIR also considers alternatives in addition to the “No Project” alternative. While an EIR has been prepared, per the Public Resources Code 21080(b)(5) and CEQA Guidelines, CEQA does not apply to projects which a public agency rejects or disapproves. However, the FEIR has provided evidence and information to support this denial, including an evaluation of the significant and unavoidable environmental impacts of the proposed project.
- L. There are insufficient specific, overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant effects on the environment, as would be required to approve the Original Project or the Applicant Proposed Alternative 2 pursuant to Public Resources Code section 21081.